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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Spear *et al.*

Confirmation No.: 3399

Application No.: 09/924,231

Group Art Unit: 1648

Filed: August 8, 2001

Examiner: Wortman, D.

For: PHARMACEUTICAL COMPOSITIONS
COMPRISING HERPES VIRUS ENTRY
RECEPTOR PROTEIN

Attorney Docket No.: 7853-239

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56 AND § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby invite the Examiner's attention to the references AA-AH listed on the attached revised form PTO 1449 entitled "List of References Cited by Applicant." Copies of references AA-AH are enclosed as Exhibits 2-9 to the Declaration of Abbie Celniker under 37 C.F.R. § 1.132 submitted concurrently herewith.

Identification of the listed references is not meant to be construed as an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an alternative, Applicants submit herewith several pages of a "revised form PTO 1449" entitled "List of References Cited" instead of "List of Prior Art Cited".

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Since this Information Disclosure Statement is being filed after the mailing of a first Office Action on the merits, a fee of \$180.00 is believed due. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date August 5, 2002

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

By: Muna Abu-Shaar
Muna Abu-Shaar
Limited Recognition Under 37 C.F.R. § 10.9(b)
Copy of Certificate Enclosed

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Enclosure

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**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
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